AY OFF FOR THE SPOOKS. MIGGINS WILL CASE DEALS WITH MATERIAL THINGS.

in Cape, Diamond Envrings, and Other Assets of the Decedent Specifically Inquired About-They Went to the Harrises, Like the sik of the Estate-"Singing Windham." Matters spiritual cut very little figure in yesay's proceedings in the case involving Mrs. gabeth l'engieton Higgins's will, now being d before Surrogate Fitzgerald. Barton B. gins, Mrs. Higgins's husband, and Wil-S. Pendleton, her brother, are trying to se the will set aside on the ground that the arrix was unduly influenced by spirit rapses and was not of sound mind. She left her shand only \$5,000 of her \$300,000, the rest ing to lir. Edward Eliot Harris, her physi-Me institutions. Most of the testimony year day had to do with Mrs. Higgins's condition mind and her friendship for Dr. Harris, and

spirits had only a brief innings. They were introduced by Dr. Asabel H. ath of 101 East Twenty-ninth street. Law-Beckett for the will took him in hand for mexamination, and began about an old arge of embezzling United States bonds made pinst him by Mrs. Higgins twenty-seven are ago; but Dr. Heath didn't remember, so lawyer left material things for spiritual. "Are you a Spiritualist, Doctor!" asked the ger, looking critically at the witness, as if expected to find evidence on the subject in rather pale and wrinkled face and mild

is rather paie and writered tace and mind established by eyeglasses.

Tes, I am a Spiritualist," said the doctor.

See one for a long time.

How long!

The witness reached up and explored the outsid his head, found two or three surviving in there, caressed them, and observed;

Let me see. Well, for nearly fifty years, fall the considered myself a Spiritualist since

Of what sect! Not any sect in particular. Just a The list."
The tron belong to some organization of setualists.
The ine I hold my belief in a private sort of

That's all," said Mr. Beckett, in a voice spetitive of disappointment. In Harriet G. Stevens, who was Mrakins's most intimate friend, testified that in Sept. 18, 1896, up to Nov. 17, the date of its Higgins's death, she lived with Mra. Highs at the Hotel San Remo. "Jou know Dr. Harrist" asked Mr. Hughes, Tea very well."
Did he call on Mra. Higgins at the San see while you were there?"
Tas, 'requently."
The very day. I used to leave them alone, bettines no stayed two or three hours." laywer Hughes then brought out a black tin is marked "E. M. P." After turning it sind and over several times, so that every is present could take in all its excellencies, shanded it to the witness, asking if she had see seen it before. She identified it as being the in which Mra. Higgins had kept her papers if welry. "Where was this box kept!" asked Lawyer habes.

The acheet in Mrs. Higgins's closet."

In a cheet in Mrs. Higgins's closet."
The you know what was in it?"
The you know what was in it?"
Important papers, a gold chain, and two a dodd lewelry."
What happened to the box when Dr. Harshended removing Mrs. Higgins to the sandaum where he lived!"
Th. Harris asked me for paper to wrap it a He said he was going to take it to the sandaum for her." The must have,

"Me must have, because it was not in the set at the time of Mrs. Higgins's death." "Was there other jewelry belonging to Mrs. Tes; a small box kept in a closet."
The you find that after Mrs. Higgins's

ban"
No: it wasn't there."
"Shat jewelry did Mrs. Higgins have on her
men at the time she died!"
"A pair of diamond earrings in her ears."
"Mat became of them after her death!" m over to me."
What did you do with them?"
"ave them to Dr. Harris, because he asked

hiem."

here the other side objected on the ground
he he evidence was not material.

We want to show," said Mr. Hughes, "that
he beseficiaries of the will began collecting
him a few hours of the death of the testa-Brobjection being overruled, Mr. Hughes Mrs. Higgins had a scalskin cape, didn't

Tes. Mrs. Harris asked for that at the San me four days after Mrs. Higgins's death, at gave it to her."

But, several letters written by Mrs. Higgins lim Stevens were produced, identified, and that as evidence. The letters mentioned Harris in terms of fond friendship. One of me written Sept. 1, 1896, said that the written Harris in tended returning from Oak Mrs. Higgins intended returning from Oak Mritten Sept. 1, 1890, said that the writers, Higgins, intended returning from Oak ich, where she had been staying, and would sher way, "singing Windham." After sitters were disposed of Lawyer Beckett ich the witness about various trips she and alligins had taken together in 1896, askhach case: heach case:
Di you consider Mrs. Higgins rational at
attine!' to which the witness replied in the
maire each time. Mrs. Sievens was on
stand when the case was adjourned until

10ST \$15,000 ON HORSE RACES.

Stele the Money from Bis Employers, Fayerweather & Laidew.

seph Rogers, who for twenty-three years the post of head bookkeeper for the firm of by at 236 Eldridge street, was arrested ay afternoon by Detective Braun of the intege street station on a charge of ember-intege street station on a charge of ember-ethe funds of the firm. The total amount stealings, as estimated at present, is at \$15,000. Rogers admits stealing this th. He says that he spent the money in bet-Buttalings extend over a period of from

tire to fifteen years. He enjoyed the fullest ace of his employers, and it was a shock hem when by an accident a discrepancy was ered several weeks ago between an atof money credited to the firm in the sent of money credited to the firm in the stand the amount known to have been resid by Rogers. Nothing was said to him at sime, but an investigation was immediately sted and it did not take the experts long to ster more discrepancies. Yesterday after a Rogers was called into the private office of a concern and told about the discoveries at had been made. He broke down and consenting suit. and seen made. He thouseholded and sent the horses of he guilt.

Its, I am guilty. This is what the horses forme," he said, "I am ready to take my seminant. I don't care for myself, only what is seen to be sent to be sen

BULLION BROKERS FAIL.

tent of Puller & Wilson a Surpriso Linbilities Smail.

aller & Wilson, dealers in bullion, specie, foreign exchange, at 29 Wall street, made seeignment yearerday for the benefit of to William H. Fleet of 92 Gold street, mz a preference of \$6,000 to James B. Col loans. The partners are Edward H. Strand William Clark Wilson, and the firm enter an offshoot of James B. Colgage & M. S arr Culgate, a clerk in this concern, arr tolgate, a cierk in this concern, a firm of Nesslage, Colgate & Co. and the bullion business of James H. Colsten, and Nesslage, Fulier & Co. and Olved, and Nesslage, Fulier & Co. and The how member had been a clerk of firm. Mr. Wilson, another clerk, at the death of Mr. Nesslage, Mr. I. The firm was composed of two almost of two Wall street firms, and awal of capital by the backers of the open is responsible for the assignment of alline will be a small one, and I sesses will come very near to overing will come very near to covering

MOR CARTER TO BETRIED HERE. Murdered a Shipmato on the Indiana in Dock at Brooklyn.

Allip F. Carter, the sailor who, with a bayo-Rabled and killed Thomas J. Kenney, a er of arms on the battleship Indiana, on *30, was indicted for murder by the United s Grand Jury yesterday. The killing ocwhile the vessel was lying at the Cob distinction of verses was lying at the Cob-distinction of the Cob-let of the Cob-let of the Cob-was thought that he would be tried in the the Linde States Judicial district, of a Brooklyn forms a part. As the waters of a Brooklyn forms a part. As the waters of a Brooklyn forms a part, and therefore in-terior of the Southern United States Judicial as of the State, it has been decided that a brial must be held here.

A MAN BURNED TO DEATH.

fire Destroys the Morton Stanting Stables-

Fire destroyed the Morton boarding stables at Washington and Morton streets yesterday afternoon. Adam Schubert, a framer, or "wood butcher," as the hewers of joist mor-tises are colloquially known, was caught on the third floor by the flames and burned to death. With a number of other workmen he had been engaged in repairing the damages caused by another fire which occurred in the building three weeks ago. The first fire was due to defective electric light machinery. The roof was somewhat damaged by it and was covered with canvas shields by the fire patrol. Joseph Smith of Fire Patrol Company 2 was left in charge until the repairs were complete.

At 3 o'clock yesterday afternoon while Smith was busy on the third floor looking out for the canvas covers, flames and smoke began to pour canvas covers, flames and smoke began to pour up through the staircase opening and the electric light shaft. Smith climbed to the roof by the ledder regularly used for that purpose. Belleving that no one was left on the floor below, he pulled the ladder up after him. He thought that, by its help, he and the men at work on the roof could escape to neighboring buildings. The ladder was too short. A rope was tied to one of the roof rafters and by means of it the six or seven men on the roof sild down to safety.

was tied to one of the roof rafters and by means of it the six or seven men on the roof sild down to safely.

While the second and third floor were in flames men on the first or ground floor did not know that there was a fire. They took their alarm from the shouting on the street. The face of Adam Schubert was seen at a third-story window on the Washington street side of the building just before the flremen arrived. The crowd shouted to him to jump, but he shoot his head and left the window. The fire was put out after three hours fighting. The body of Schubert was found on the third floor on the elevator. He was fuended by Guido Manzaletto, a laborer, who, it was thought for a time, had been burned with Schubert. Manzaletto couldn't explain to the police how he had escaped, while Schubert, with whom he had been working, was burned.

Forty horses and a dozen or more wagons, which were on the second floor of the building, were taken out in safety. The fire started in a pile of baled hay which was brought to the stables within three days. It did about \$10,000 damage.

TOOK FIGHT VERISCOPE FILMS.

Actor Emerson Arrested on Complaint of His Former Partner. A charge of stealing a veriscope reproduction of the Corbett-F tzsimmons fight, and other films for rapidly moving photographic exhibits. was preferred in Centre Street Court yesterday against H. A. Emerson, an actor, a member of

the New York Lodge of Elks, and also of the New York Athletic Club. Emerson and his wife form a vandeville team that is known as Emerson and Omega. They are members of the company that opened at the London Theatre in the Bowery yesterday after-

London Theatre in the Bowerf resterias and a noon. Emerson was arrested on Sunday at Fourteenth street and Third avenue by Detec-tives Foye and Price of the Central Office. Last year Emerson was part owner in a theat-rical concern called the American Motorgraph, Comedy, and Concert Company. His partner was a man named Allen May. Emerson dee ded not to continue with the show this year, so May transferred the concern's effects to Ina May, his wife.

transferred the concern's effects to Ina May, his wife.

On Aug. 23 Mrs. May, then in Rochester, Ny., swore out a warrant for Emerson's arrest, charging him with the larcety of the films, and the werrant was sent to this city. The detectives were unable to find Emerson until Sunday night, when they met him returning from a rehearsal. He denounced his arrest as an outrage, and said that it was caused by spite.

Emerson declared to Magistrate Crane that he had merely given the films as a security for debt to two men to whom he and May owed money. He asked that he be admitted to bail. Magistrate Crane said that Emerson appeared in court as a fugitive from justice, and that it was not in his power to fix bail. He advised Emerson to have his lawyers apply for bail at the Supreme Court. He then committed Emerson to the Tombs.

THORN EASILY IDENTIFIED.

A Woodside Grocer Says the Prisoner Bought Plaster of Paris at Mis Store.

Martin Thorn was identified yesterday by Henry Bergess, a grocer of Woodside, as the man who purchased plaster of paris at his store shortly before the discovery of the Gieldsensuppe murder. Thorn was placed between three prisoners, one of whom was John Buck, the night watchman who killed a 16-year-old boy by shooting him through the neck on a dock in Ravenswood, Long Island City, on the evening of Saturday, July 10. The other two were negroes. In consequence Bergess experienced but little diffi-culty in making the identification. Thorn appeared to be unaware of what was taking place.

piace.

But little importance is attached to the fragment of a piaster of paris cast found near the
scene of the murder at Woodside on Sunday.

In the search made yesterday another fragment
of the cast was found, and at noon Coroner Haslam of Woodside took the cast and the pair of
overails in which it was wrapped to the District
Attorney's office. Detective Suilivan of the District Attorney's office, who visited the scene of
the find yesterday, thinks the cast is the work of
a practical joker. District Attorney Youngs the nnd yesterday, thinks the cast is the work of a practical joker. District Attorney Youngs shares this belief. Coroner Haslam, however, is of the opinion that the cast probably inclosed the head of the murdered man. The search will not be continued by the authorities.

NO LICENSE FOR TWO YEARS.

O'Neill Eas His Saloon in Newark Without Molestation, but Must Pay Now.

It was discovered accidentally in Newark yes erday morning that a saloon had been run at 61 Stone street for two years without license. It was operated for nearly twenty years by James O'Neill, who gave up business in Au gust, and, some time after closing the place, sold it to Michael Cunningham, who applied for a transfer of the license. Then it was discovered that no license fee: tad been paid for two years or more. Cunningham said that the brewer paid the license fee. He was selling Hauck's beer, and at Peter Hauck & Co. is brewery in liarrison it was said yesterday that Cunningham was mistaken. Former License Inspector Louis Roemmele was in office at that time. Search revealed that the index book for 1895 was missing from the office of the Excise Board, and t at O'Neill's name was not carried over from 1894 to 1895. O'Neill will have to pay up, but the responsibility for the omission is yet to be fixed. gust, and, some time after closing the place,

ACCOUNTANT BOTH'S REPORT. His Examination of the Jersey City Water Do partment binished.

Charles Both, an expert accountant, who was employed in November, 1896, by the Board of Street and Water Commissioners and the Board of Finance of Jersey City to examine the accounts of the Water Department from 1887 up to 1897, has completed his work and prepared to 1897, has completed his work and prepared his report. The report has not been submitted, but it is understood that a shortage of \$4.200 has been discovered, but that it may be accounted for by careless bookkeeping and the confusion arising from a frequent change of clerks. Mr. Both is out of town, but it is said that he probably will submit his report some day this week. The examination cost the city nearly \$9.000. A discovery was made, it is understood, that \$135.000 of water rents had been cancelled up to May 1 of this year, and \$80,000 of that amount had been cancelled without any resolution of the Street and Water Board.

Business Troubles.

The New York and Canada Lumber Company of 18 Broadway has applied to the Supreme Court for the voluntary dissolution of the corporation. It owes nothing except a claim for

rent. Deputy Sheriff Simonson has taken possession of the store of Mrs. Frieds Ludemann, dealer in shoes at 282 Columbus avenue, on six execu-tions, aggregating \$1,050.
Deputy Sheriff Mulvaney received yesterday two executions against Cameron Spear, dealer in carriages at 37 Warren street, aggregating \$3,637, in favor of William J. Ryan on demand

notes.
Judgment for \$5,892 was obtained yesterday by defauit against Robert P. Porter of 160 Broadway, in favor of the S.C. Beckwith Special Agency, on a note made by Mr. Porter. Porter in his answer admitted making the note, but declared that it was obtained from him but decla by deceit.

Accused of Offering Uncle Sam Straw Ball. Nicholas McCool of 1856 Lexington avenue was arrested yesterday upon a warrant charg ing him with having attempted a fraud upon ing him with having attempted a fraud upon the United States District Attorney's office. It is alleged that McCool offered himself as a bondsman for Federico Mora, who is in Luddow Street Jail awaiting trial upon a charge of participating in the making and passing of counterfeit notes of the Bank of Costa Rica to the amount of over \$1,000,000. McCool tried to qualify as bondsman by claiming the ownership, it is said, of property at 228 West Twenty-eighth street. Investigation revealed that this does not belong him, but is part of an estate left to his mother. McCool waived examination before Commissioner Alexander, and was held under \$4,000 bail to await the action of the Grand Jury.

DISPUTE GARVEY'S WILL.

RELATIVES SUE FOR A PARTITION OF THE REAL ESTATE.

t Amounts to an Attempt to Break the Ring Plasterer's Will Entirely, Leaving Nothing for the Widow and Dividing the Retate Among Uncles, Nephews, and Nicces.

An action for the partition of the large amount of realty in this city left by the late Andrew Jeffries Garvey, regardless of his will, has been begun in the Supreme Court by number of heirs, most of whom get no bequests The will and codicil were allowed to go to pro bate without a contest, and the present action is an indirect contest.

Garvey, who had lived abroad since the collapse of the Tweed ring the was the "ring plasterer"), kept most of his money, which at the time of his death amounted to about half a million dollars, invested in real estate here. married while abroad on Sept. 20, 1893, making an ante-nuptial contract with his wife by which he was to make a certain provision for her. He left no children. By his will, executed July 10, 1894, while he was temporarily in this city, he gave his wife \$75,000 in satisfaction of the ante-nuptial agreement, but he greatly enlarged the provision for her in a codicil executed Sept. 17, 1895, at the United States Consulate at Algiers. The codicil withdraws the \$75,000 and leaves the widow instead an income of \$13,750 for life or while she remains his widow; \$10,000 to buy a house in the county of Hants, England; the right to dispose of \$25,000 of his estate by will, all his furniture, horses and carriages, and jewelry and other ef-

horses and carriages, and jewelry and other effects in his residence in England and whatever money he might have on deposit with his bankers in England.

The will left in special bequests and as a residue almost all the rest of his estate to a number of institutions, and the codict confirmed these bequests. The institutions are St. Luke's Hospital, the Presbyterian Hospital, St. Vincent's Hospital, the Manhattan Eye and Kar Hospital, the Post-Graduate Hospital, the Woman's Hospital, the Manhattan Eye and Kar Hospital, the Post-Graduate Hospital, the Woman's Hospital, the Hospital for the uRptured and Crippied, St. Mary's Free Hospital for Children, Mount Sinal Hospital, the German Hospital, the Grand Lodge of the Masonic Order of the State of New York, the New York Free Points House of Industry, the Charity Organization Society, and the Babies' Hospital. All are made defendants.

Nothing is left by the will to relatives, but the codictl says: 'i bequeath to the Owen family, now of East 188th street, New York, the sum of \$1,000 per annum, the same to be continued up to the death of the last survivor of

sum of \$1,050 per annum, the same to be con-tinued up to the death of the last survivor of

tinued up to the death of the last survivor of them."

The plaintiffs in this action are Benjamin and Richard Garvey, uncles, who ask for a quarter of the realty each; the four children of a deceased uncle, namely Henry A. Garvey, Richard Uarvey, Walter Garvey, and Charles Garvey, who want a quarter divided among them; children of a deceased aunt, Anna I. Owen, John Owen, Ellen K. Owen, Mary C. Smith, and Charlotte L. Owen [the Owen family mentioned in the cedicil], who ask that the other quarter be divided among them. There are also ten other nephews and nieces, children of two deceased uncles, who are made defendants, but the complaint says of them that as they are alsens they cannot share in the reality.

realty.

The will and codicil are declared to be void realty.

The will and codicil are declared to be void by the complaint:

"For the reason that they are indefinite and uncertain in their subjects and objects, invalid and uncertain in their subjects and objects, invalid and unauthorized bylaw and unlawfully suspend the alienation of the property of which said Andrews Jeffries Garvey died selred and possessed, and because in contravention to the law of this State which prohibits a person having a wife from deviding or bequeathing more than one-half of his estate in trust or otherwise to benevolent, charitable, literary, scientific, or missionary societies, associations, or corporations,"

The property involved, all of which the deceased held free of incumbrance, is: 105 and 107 East Thirteenth street, 121 East Thirteenth street, 135 Fourth avenue, 18 and 20 East Fifteenth street, 7 West Forty-fifth street, 117 West twenty-signth street, 408 West Thirty-fourth street, 411 Third avenue, property at 1534 street and Tenth avenue, and leasehold of property at Fifty-ninth street and Fourth avenue.

It is declared by the maintiffs that with the will set aside the widow will be entitled to no interest in the property, because she relinguable right of dower by her antenunties. interest in the property, because she relin-quashed right of dower by her ante-nuptial

THREE NEW YORK BOYS PARDONED. Gov. Black Sets Them Free from the Elmire

ALBANY, Sept. 20,-Gov. Black has pardoned these New York city boys, who were sent to the Elmira Reforma ory nearly four years ago, but were afterwards transferred to State prisons: George C. Brogas, sentenced for a five-year term in August, 1893, for stealing chests of tea valued at \$300 from his employer. He was

Peter Toppenberg, convicted of grand larceny, second degree, for stealing \$50 worth of jewerry from a house in which he was employed. He was sentenced to the reformatory for five years in February, 1894, but was transferred to Auburn Prison in May last.

Otto Wissler received a sentence of five years on conviction for having stolen a music box valued at \$25. He became insane at the reformatory and was transferred to the State Asylum for Insane Criminals at Matteawan. He recovered a short time ago and was about to be sent tack to the reformatory. District Attorney Olcott was urgent in his recommendation that the boys be liberated. second degree, for stealing \$50 worth of jeweir

THREE INNOCENT MEN PARDONED. They Were Serving Long Sentences in Prince for a Crime They Did Not Commit.

ALBANY, Sept. 20 .- Gov. Black to-day signed pardons for Joseph Thornton, John Farrell, and Thomas Murphy, who are now unjustly confined in prison upon long sentences passed in Utica. Early in the morning of Feb. 2, 1895, the National Bank in the village of Vernon was entered by burglars and about \$400 in money and \$150 in stamps taken. Two days later three suspicious looking characters were arrested in Little Falls, and it was thought they were the Little Falls, and it was thought they were the men. The three men were indicted for burglary and grand larceny in 1895. A short time afterward District Attorney Elock of Rome and Sheriff Van R. Wesver of Utica located Frank Cassidy, who was serving a short term in Onondaya county. Cassidy was arrested, as he had finished his term. At the November term of the court Cassidy pleaded guilty, and was sentenced to six years and six months. Before being taken to Auburn he confessed that the three men were innocent.

HORSE DIED AT THE POUND. Policeman Had Spent All Day in Dragging the

Abandoned Animal There. Jacob Wilhelm, a recently appointed policeman, was on house duty at the East Sixtyseventh street station Saturday morning. Sergeant Burgogne instructed him to lead to the pound an old horse that had been abandoned in the street. The animal was aged, rawboned, blind in one eye, had the staggers, and was It was night before the policeman had suo

ceeded in dragging the horse to the pound at Taylor avenue and 186th atreet. By the time he had bunted up the poundmaster, the horse was dead. Wilhelm was late in reporting for duty Sunday morning.

Brooklyn City Hall Repairs Will Cost \$164,000 The total expenses for the repairing of the Brooklyn City Hall, consequent on the disartrous fire which occurred in February, 1895, will fool up about \$164,000.

The Weather.

There was a storm central off the New Jersey coast yesterday which caused cloudy and showery condi-tions along the coast line, with northwest winds, increasing in force. West of the Allegheny Mountains the weather was fair and decidedly colder, especially in the Central States and northern valleys. The cooler weather will be over this neighborhood this morning an | will probably cause frost.

In this city yesterday it was cloudy and showery in the morning and generally fair in the afternoon; highest official temperature 62°, loyest 54°; average humidity 80 per cent.; wind northwest, average velocity 22 miles an hour; barometer, corrected to read to sea level, at 8 A. M. 29.91, 8 P. M. 29.94. The thermometer at the United States Weather Bu-

reau registered the temperature yesterday as follows 1807, 1808. 1807, 1808. -61° 55° 6 P. M. 54° 62° -68° 50° 9 P. M. 50° 59° -68° 60° 13 Mid. 40° 56° 9 A. M. 1 2 M. 5 P. M. WASHINGTON FORECAST FOR TUESDAY.

For New England, generally fair; cooler; northwesterly winds, high on the coast. For eastern New York, generally fair; north esterly to westerly winds. For the District of Columbia, eastern Pennsylvania, New Jersey, Delaware, and Maryland, fair; north

westerly winds, becoming variable.

For western Pennsylvania and western New York, generally fair; fresh northwesterly winds, becoming

Cendency

to get away from the smooth or worsted effects is manifest.

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Suitings, \$25 to \$40. Crouserings, \$6.50 to \$12. Covert Coatings, \$25 to \$35.

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LUETGERT EXPERTS COME HIGH. The State's Attorney Calls for \$2,500 Mere

from the County Board. CHICAGO, Sept. 20 .- In a letter to the County Board this afternoon State's Attorney Deneen asks that body to appropriate \$2,500 more to enable him to finish the prosecution of Adolph L. Luctgert. He gives as his reasons for asking the money that the \$2,500 already appropriated by the board has been expended; that experts refuse to testify unless well paid, and that he desires to secure other witnesses from New York to aid in the prosecution.

Mr. Dencen has given no accounting to the board of the expenditure of the \$2,500 already given toward defraying expenses of the Luetgert trial, and for this reason his request for money may be refused. Then, too, the board would feel more willing to appropriate the money if the State's Attorney was as zealous in

money if the State's Attorney was as zealous in his prosecution of some of the e indicted for defrauding the county as he is in the prosecution of the sauesge maker.

Mr. Deneen refuses to give the names of the witnesses whom he wishes to bring here from New York, saying that to do so would damage the State's case.

It is estimated that the Luctgert case will cost the people of Cook county fully \$30,000, and there are few who believe a conviction of the prisoner can be had on the evidence submitted by the State. If Luctgert is not acquitted there will be probably a disagreement of the jury and a mistrial.

quitted there will be probably a disagreement of the jury and a mistriai.

The experts who have watched the case in behalf of Luetgert will try to offset the claims of the State that the bones offered in evidence were human, and a new and important witness will be Dr. Rudolph Oppenheimer of West Hammond, a graduate of Leipaic and Heidelberg universities, who will teatify that the State's case is preposterous, and that the bones are not those of a human being.

SPRING ELECTIONS UPHELD.

Jersey's Court of Errors and Appeals Knocks

TRENTON, N. J., Sept. 20.-The Court of Errors and Appeals to-day held a conference on the three cares involving the constitutionality of the McArthur law passed by the last Legislature, changing the date for holding the municipal elections in Jersey City and Newark from April to November, and extending until January next the terms of the officials of these cities who were in office at the time the law was passed. By a vote of 8 to 3 the court decided to uphold the decision of the Supreme Court, which declared the law unconstitutional Those who voted to affirm the decision were Chief Justice Magie, Justices Depue, Lippin cott, and Van Sickel, and Judges Adams, Boger

cott, and Van Sickel, and Judges Adams, Bogert Hendrickson, and Nixon, Those who voted to uphold the constitutionality of the law were Justices Collins, Dixon, and Ludlow. Judge William L. Dayton, who sat in the case, died after the argument. Chancellor McGill and Judge Krueser were away when the case was arrued, and Justices Garrison and Gummere did not sit, having delivered the opinion as a branch of the Supreme Court.

The effect of the decision is to legalize the elections held last spring in Jersey City 'and Newark. The law was passed at the instance of the Republican leaders of the State and in the Legislature. It was intended to apply more particularly to Jersey City, where the Republicans were body divided. The leaders there believed that by extending the term of Mayor Wanser opportunity would be given to heal the factional differences, and by making the fight on State issues this fall, they hoped to be able to elect a Republican successor.

BRIDGE TRUSTEES MAY APPEAL. They Get Another Chance to Try to Epoc

Julia Rogers's Judgment. Some time ago Julia E. Rogers secured judement for \$5,000 for personal injuries against the trustees of the New York and Brookly Br. ige. The Appellate Division affirmed the judgment, and the case was carried to the Court of Appeals. A motion was granted dismissing the appeal unless a bond was given within sixty days and \$10 costs paid to the appellant. The bond was filed, but the costs were not paid, and the appeal was dismissed. Application was made to Justice Garretson of the Supreme Court, in Br oklyn, yesterday that the remittitur on the judgment dismissing the appeal be returned to the Court of Appeals. The failure to pay the \$10 costs, it was said, was a mistake of a clerk, and the trustees should be relieved from the effects of it. The motion was granted upon the payment of \$50 costs.

No Alimony for Parson Potter's Wife. The motion of Mary P. Potter for alimony and ounsel fee in her action for absolute divorce from the Rev. Dr. Daniel C. Potter was denied yesterday by Justice Russell of the Supreme Court. They were married in 1873 and sepa rated several years ago. The Judge says that the pecuniary ability of the defendant and the truth of the charges made can best be tested on the trial of the action, and that injustice might be done by granting her motion at this stage of

Medal of Honor to Major Horatio C. King. WASHINGTON, Sept. 20. - A Congressional medal of honor has been awarded to Horatio C. King of 375 Fulton street, Brooklyn. Horatio C. King of 375 Fulton street, Brooklyn, N. Y., a son of the late Gen. Horatic King. On blarch 29, 1865, Major King requested permission to accompany the General commanding his dvision as a volunteer aid-de-camp, and was often under fire. In the action near Dinwiddle Court House, Va., March 31, 1865, he behaved with distinguished gallentry in a cavalry charge.

Cleudenin, the Counterfelter, Caught. RICHMOND, Va., Sept. 20,-William Clendenin. the leader of the notorious gang of counterfeiters at Duffield, Va., on whose head the Government set a price some months ago, was captured in Floyd county to-day. The output of the gang has been very large.

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MINERS RETURN TO WORK.

THE BACKBONE OF THE HAZLETON STRIKE ALL GONE.

& Little Bayonet Charge on Women and the Serving of Warrants on Sheriff Martin's Deputies Were the Most Noteworthy Incidents of a Tranquil Day-Militia Bills. HAZLETON, Pa., Sept. 20 .- There is every indication that within a few days all the collieries in the Lehiga coal fields will have resumed operations. The determination of the men of the Lehigh and Wilkesbarre Coal Company to return to work has broken the backbone of the strike. The south side coilieries of this company went to work with their full quota of men this morning, and no more stoppages are expected.

There were no demonstrations or attempts to hinder the workers by either men or women.
As a precaution against possible violence, seven companies of the Eighth Regiment, accompanied by a Gatling oun, had been stationed in the district, but their services were not required.

When the whistles at the Lattimer breakers blew at 6 o'clock this morning fully two-thirds of the employees of Calvin Pardec & Co. responded to the call. A sufficient force of men to conduct operations was soon on hand. Matters were proceeding favorably, and the officers in command of the picket line of troops were just considering the advisability of withdrawing, when suddenly toward 9 o'clock about eighty Hungarian and Italian women spreared upon the scene and attempted to swoop down upon the works. The commander of the troops, Col. Mattes of the Thirteenth Regiment, was notified, and he ordered two companies to advance and head the women off. In order to frighten the women the command was given for the troops to fix bayonets and then to advance troops to fix bayonets and then to advance slowly. This was done. For some time the women held their ground stoutly, and then they retreated slowly before the line of shimmering steel. The women were armed with sticks and stones, but did not use them upon the soldiera. The women laughed as the bayonets came near, and as the soldiers also were laughing, the whole incident bordered more upon the farcical than the dramatic.

All the Coxe collieries at Drifton were working to day and operations were resumed also at

wante incident bordered more upon the farcical than the dramatic.

All the Coxe collieries at Drifton were working to-day and operations were resumed also at Eckley. The Cranberry, Crystal Ridge and Eckley. The Cranberry worked, and the Hazel mines, at Jeaneaville and Yorktown, will probably start up to-morrow morning.

Bench warranis for the arrest of Sheriff Martin and his deputies were issued by Judges Lynch and Bennett in Wilkesbarre to-day and put into the hands of Coroner McKee and County Detective Eckert for service. Eckert left Wilkesbarre in the afternoon for Hazleton and served the warrants upon all the deputies he could find. They were not taken into custody, but will proceed together to Wilkesbarre to-morrow morning to appear before the Judges Issuing the warrants.

In 100 worthese proceedings the beginning of the Inquest has been postponed from Tuesday until Weinesday. Gen. Gobin did not interfere with the serving of the warrants for the reason, as he said, that now the civil authorities are able to protect those arrested.

"I did not allow those warrants to be served on Saturday a week age," said the General, "because, from information that came to me, it was almost certain that the deputies, if arrested then, would have been subjected to personal violence, if not killed outright. Now, however, things have changed, and besides, these warrants are issued by the Judges of aregular court and not by a Justice of the Peace.

Harrisbung, Sept. 20.—Adjl. Gen. Stewart to-day directed 1,000 blankers to be shipped to Hazleton from the Schuylkill Area al for the use of the National Guard. These blankets will be distributed according to the best judgment of Gen. Gobin. The extra blankets were made necessary by the unusually cold weather. It is estimated that the troops now at Hazleton will

of Gen. Gobin. The extra blankets were made necessary by the unusually cold weather. It is estimated that the troops now at Hazleton will cost the State about \$37,000 a week on this tour of duty. Nothing is said here about recalling the troops, but if present conditions continue several of the regiments will probably be ordered home in a few days.

GRAND TRUNK GOES IT ALONE. able Mileage Book.

DETROIT Mich., Sept. 20.-The Grand Trunk Railway is now known to be opposed to the combination in the new interchangeable mileage book. It is the only road in the Central Passenger Association territory not on the book, and it has placed its mileage with brokers in every city in competing territories. By thus issuing mileage troadcast it has come into a position to make a strong fight against the United States roads, especially as to-day the United States roads, especially as to-day the order went out to exchange micage slips for tickets at the officer. This practically results in the Grand Trunk's making a flat rate of two cents a mile without the bother of identification and return of mileage to the brokers. By this scheme the Grand Trunk has rounded up the brokers all through Michican and combined them against the Vanderbilt and Wabash interests. To such an extent has this zone that already the Michican roads are complaining to the Central Passenger Association that the new these is must be changed or the result will be largely detrimental to their interests.

STABBING ON A FERRYBOAT. Iwe Italians Who Had Previously Insulted

Women Arrested. Frank Forani and Frank Minutali were held \$2,000 ball each in the Yorkville Court yes-Court of Appeals. A motion was granted terday for stabbing on Sunday night William H. Long of 1026 Second avenue, a passenger on the Long Island ferryboat Lone Bea h.

> Long, with his head in bandages, testified that the two Italians had insulted a young woman the two Italians had insulted a young woman on the boat and some of the men passengers resented it. This caused a fight between several of the passengers and the two Italians and their friends. Although he was outside the crowd of comiatants, the Italians rushed at him and stabbed him in the face.
>
> Forani said he was a painter and lived at 421 East Thirteenth street. Minutall gave the same address and said he was a shoemaker.

Junior Guilty of Extertion.

Samuel A. Janior, alias J. W. Larton, pleaded guilty before Judge Aspinall in the Count; Court in Brooklyn yesterday to extortion. The prisoner on June 15 last met Sinclair W. Janes. bookkeeper of the National City Bank, and informed Janes that he was an officer from Informed Janes that he was an officer from Brockton, Mass., and was about to secure a warrant for the arrest of Janes on the charge of kidnapping Clara T. Kelly from Brockton. He demanded \$100 hush money from Janes. The latter paid \$4.04 at the time, promising to pay the rest in a few days. In the meantime Janes notified the District Attorney and J. nior was arrested. As a result of the publicity of the case Janes lost his place in the hank, where he had been employed for thirty years. Junior will be sentenced on Friday.

entenced on Friday.

A meeting of the Supreme Court Commission ers appointed to determine whether the underground railroad shall be built was held yester day afternoon. T. O. Crosby, an electrical engites, testified as to the cost of supplying the necessary motive power. He said that the General Electric Company had made an offer to the Manhattan elevated read three years ago to install its system on the elevated for \$10,000,000, but that he thought this could be accomplished o'day for iess money. He also said that electricity as a motive power is cheaper than steam. It would do away with the locomotive firemen.

Sigmund Morris Caught at Last.

Sigmund Morris, indicted in June, 1896, for using the mails for fraud lent purposes, was turned over to United States Marshal Hayden of Brooklyn yesterday by the Deputy United States Marshai of San Francisco. Morris was committed to jail. He will be arraigned before Judge Tenney in the United States District Court to-day, Morris and his associates, Hugo Morris, William J. Hertford, and Miss Angle Caswell, carried on their business in the Arbuckle building, and all were indicted. Sigmund Morris learned of the indictments and flee. The other three were arrested at the time and held for trial.

Lawyer L. J. Noah til on an Elevated Train. Lawyer Lionel J. Noah, a son of Major Noah, who was editor of the Inquirer, was stricken with paralysis in a south-bound train of the Sixth avenue elevated line yesterday morning Sixth avoince cavated line yesternay morning just before Franklin street was reached. Mr. Noah has offices at 320 Broadway with his brother. Mr. Noah was examined alomt two months are as a preliminary to his taking out an insurance policy and the doctor thought he was a first-class risk. He was removed to the Hudson Street Hospital, where it is believed he will recover. He is 54 years old.

An Aged Brooklyn Woman Burned to Death. Mrs. Clarinda Roshell, a widow, while cooking her lunch on an oil stove in her apartments or the second floor of the house at 216 Willow NEAR 6TH AV.

Brooklyn Stores: Flaibush Av. near fulton S.

Record floor of the house at 250 are severely burned that she died before the arrival of the ambiliance sirgeon. She was 80 years old and had lived alone since the death of her husband, a Frenchman, a few years ago.



Druggists, as a general rule, do not make a practice of recommending proprietary medicines. Sometimes, however, when they have a particularly bad case of dyspepsia to deal with, they have been known to ask the sufferer to try Ripans Tabules. A St. Louis lady who was afflicted with chronic dyspepsia told a friend that she had tried more than a dozen different kinds of medicine without much relief; but one day, when she went to her druggist to have a bottle refilled, he asked her why she did not try Ripans Tabules. She bought some and took them regularly at meal time according to directions, and now she says she has never seen their equal for complaints of the stomach and liver such as she has so long suffered from.

A new style macket containing the mirans tanules in a paper carton (without glass) is now for sale at some drug stores — for five casts. This low-priced sort is intended for the poor and the economical. One domain of the new continuality tablics; can be had by mail by sending forty glat cents to the literans Carried and Courses. No. 10 Spring Street, Sen York — or a sinule carronities to the sent for the cents.

LANDIS CHARGED WITH ARSON. ills Factory in Philadelphia Burned After a Plan to Blow It Up Falled.

PHILADELPHIA, Sept. 20.-Charged with two attempts at arson, Harry A. Landis of the between P. F. Warner's English eleven and the firm of Mayer, Landis &: Co., proprietors of a Philidelphia "Coits" ended here to-day on the big file works at Twentieth street and Allegheay grounds of the Germantown C. C. avenue, was arraigned before Magi trate Lu-kens this morning and held in \$3,000 ball to the bat, which was a revelation to some of the police any they will produce evidence to prove total number of runs had reached 240, and they it from sale by the Sheriff and to secure a then decided that he would declare the inning large sum of insurance upon the plant.

On Saturday night an attempt was made to blow up the mill with naphtha. Two cans of Capt. Warner realized what a difficult task was blow up the mill with naphtha. Two cans of this explosive had been placed in a part of the works that would be easy prey to an explosion and flames. To these cans was attached a fuse which had been lighted at a distance from the cans of naphtha. A knot in the fuse checked the course of the spluttering fire within several feet of the explosives. This attempt to destroy the null was reported to the police, and an attempt was made to that the guilty man. At 1:40 o'clock this morning the mill was found to be in flames. Folicewan Forbes turned in an alarm, but the efforts of the firemen to save the property were unavailing. The big structure was totally destroyed. The loss was put by Landis at \$50,000.

A few moments before the flames burst out in the mill Policeman Forbes and Watchman

A few moments before the flames burst out in the mill Policeman Forbes and Watchman Hinchelaff, who is employed at the works, saw harry A. Landis, one of the firm, leave the building by way of a rear deor. He did not make his appearance again until half an hour after the fire started. He then told the policeman that he had seen a man run out of the back deor of the mill, and had classed him about two squares, but did not evertake him, Landis was arrested soon after the fire.

RUN ON A BANKING OFFICE.

Firm Pays All Demands and the Partners Say It's Perfectly Solvent. Rumors affecting T. E. Ward & Co., bankers and brokers, of 31 Broadway, caused a run on E.S. Newhall, c. Chingery, b. the establishment yesterday. Alfred Carr, a member of the firm, said to a SUN reporter: "It is true that there was a run on our house to-day. We assured our customers that we were perfectly solvent, and many went away satisfied. Others got their money, and altog ther we paid out \$700,000. The run was the direct result of a publication in a morning paper last week, which, while it didn't mention paper last week, which, while it didn't mention our name, kientified us so that there was no misunderstanding whom they meant. We were described as being on the brink of failure. We shall certainly hold the newspaper in question responsible for the damage to our credit."

T. E. Ward, the head of the firm, said:

"We have not failed and will not tail. Our house is perfectly solvent. It is true that there was a run on us and that we had to pay out a great deal of money, but the run'subsided, and I do not think there will be any more slarm."

DID POLICEMAN O'BRIENCLUB HIM? A Harlem Bluecent Accused of Ill-Treating a Negro Boy.

Policeman Christopher O'Brien of the East 100th street squad, arrested Richard Logan, a sixteen-year-old negro, for throwing stones at him, after a long chase, Sunday night. In the him, after a long chase, Sunday night. In the Harlem Court yesterday, four witnesses ac-cused the policeman of clubbing the boy, whose lips were cut and swotlen. O Brien denied the charge and asked for time to get two policemen who could disprove it.

"If they do not offset the testimony of these witnesses I will entertain a criminal charge of assault against you," said Magistrate Simma, He paroled the Logan boy in custody of counsel.

CYCLIST KILLED BY TROLLEY.

His Wheel Slipped and He Was Thrown Against

the Dash ourd, Then Run Over. Thomas Kiernan, a bicyclist, was killed by a oiley car on the White Plains road at Williamsbridge yesterday. While he was riding north on a down grade the car, with Motorman John Malone in charge, approached rapidly from the south. The car and bicycle were John Maione in charge, approached rapidly from the south. The car and bicycle were scarcely four feet apart when Klernan's wheel slipped in the send and threw him head first against the dailboart of the car. Maione tut on brakes, but the car ran ever the prostrate bley clist before it could be brought to a standstill, injuring him so badly that he died almost limmediately. The motorman was arrested.

AFTER HENRY CLAY. The Philadelphia Municipal League Finds Ob-Jections to a Councilman.

HARRISBURG, Pa., Sept. 20,-At 2 o'clock tonorrow atternoon Attorney-General McCormick will hear argument on the petitions of the Municipal League of Philadelphia for a writ of quo warranto against Henry Clay, a member of the Councils of Philadelphia, who is alteged to laye forfeited his right to a sent in the Councils owing to his being President of the Prush Elec-tric Light Company, which has obtained from the city contracts for lighting.

R. KING LEE'S FATE. His Disappearance from a Hetel at Magara Pails Causes Anziety.

R. King Lee, 76 years old, left his home at 177 St. Mark's place, Brooklyn, on Sept. 7 for a sonces trip to the northern part of the State. He turned up a week later at a hotel at Niagara

Falls, and remained there until last Tuesday morning, when he went out for a walk. He did not return to the hotel, and has not been seen or heard of since. It is feared by his relatives that he may have been the man who was seen to go over the Falls on that day. Robbed Arnold, Constable & Co. William Hannan, a tapestry cutter, employed

by Arnold, Constable & Co., was caught trying to pledge tapesfries in a Sixth avenue pawn shop yesterday by Detective Sergeant Wade. He was affested, and the goods he tried to pawn were identified later by his employers. He was remaided when arraigned in Jefferson Market Police Court.

Dr. Meikle Discharged. Dr. Rudolph Meikle of 220 Adams street.

Brooklyn, who was arrested several weeks ago for performing a criminal operation on Mrs. Violet Burleigh at Coney Island, was discharged by Justice Nostrand in the Coney Island Police Court yesterday, the complainant falling to appear.

Englishmen Far Behind the "Colts," but the Result Is a Draw.

PHILADELPHIA, Sept. 20.-The cricket game

await a further hearing on Monday next. The old-timers on the ground. At 1 o'clock their

The English team required 230 runs to win. before his men and he decided to play for a draw. He played a splendid inning of 56 himself, and J. N. Tonge also successfully resisted the attack until he had collected 24. R. A. Benbott and the captain then played out time, the match ending in a draw. The score follows:

PHILADELPHIA "COLTS." First Inning. Second Inning.
Sayer, b. Colmery. 21 b. Bull. 10
cans, c. Wherman, b. Jes sop 6 e. and b. Buil. 21
C. Townsent, b. Jessop 0 b. Buil. 7
Illinchmen. c. Head, b. Jessop 9 b. Head. 0
Z. Graves, c. Stocks, b. Jessop Jessoj 4 c. Marriott, b. Bull57
. A. Sievene, b. Jessop. 6 b. Bull 3
. C. Mor in, b. Stocks 1 c. Head, b. Stocks17
I. Haines, c. Jennett, b. Chinney 12 c. Stocks.b.Tongest C. H. Howson, c. Bennett, b. Jessel 15 b. Stocks. 12 c. and b. Chinn'ry!?

A. W. Jones, b. Stocks. 10 c. and b. Chinn'ry!?

F. Parson, b. Stocks. 10 b. Head. 2?

A. B. Miffild, l. b. w., b. Jessep, 10 not out 1. V. T. Freeland, b. Jessep, 20 c. Chin'y, b.Stocks 1. T. R. Switt, b. Jessep 4 c. Stocks, b. Bull. 1. Jessep 0. Jesse .12 c. Stocks.b.Tonges4 S. Indexara, c. Marriett, b. Jessey.
S. Eppin sott, c. Chimnery, b. Butt. 10
Odell, b. Butt. 2
C. Ford in, b. Jessep. 0
C. Graham, b. Jessep. 1

Total148 Total........240

BOWLING ANALYSIS -FIRST INNING. Wine-1. W. Stocks, No balls-Jessop, 2.

No balls Jess op, 3. ENGLISHMEN.

FYOM Instance, C. Bluchman, b. Hautes. Second Instance, St. Bluchman, b. Hautes. 36 not out. 56
H. B. Chluery, b. Climenson. 1 c. Grabsm, b. Climenson. 5
H. H. Marriott, b. Climenson. 1 b. Climenson. 8
J. B. Head, c. Pearson, b. Climenson. 5
Climenson. 5
Climenson. 5
Climenson. 5

A. D. Whatman, not out ..., 16 F. W. St.s. Es. c. and b. Cli-Encenson 4. C. and B. Cli-F. G. Pull, c. Swift, b. Odell. 5 Rives, b. log bycs, 1; wides, 2. Byes, 0, leg byes, 2. 14 Total BOWLING ANALYSIS-FIRST INNING. E. C. Morton

Wides-Odell, 1; Climenson, 1. No balls-Odell, 2. J. E. C. Morton 185
V. A. Graves 25
Haltes Ofeil BECOND INNING. 15 8 2 RUNS AT THE PALL OF EACH WICKET.

Finar inni 4.

Colts— 12 12 52 58 38 48 55 50 88 88 87

107 114 114 144 144 147 143 148

Ength'n—3 V 52 00 21 10 122 140 153 169 SECOND INNING Colts- 80 89 56 64 81 122 150 157 190 218 287 Eng'h'n-7 15 25 44 102

The Greenpoints' Hoxing Show. Three bouts made up an interesting card at the Greenpoint A. C. last night. The star bout was be-tween Tommy Butler of Brooklyn and Tommy Ryan of Philadelphia, two lightweights. Joe Ward was

Eugene Hernbacher and Johnny Glynn of Wilmington, liel, figured in the opening bout of ten rounds at 116 rounds. This was Hernbacher's first appearance in the ring in over three years.

Siynn was ever wight, and Hornbacher received to hany's forfeit money. Hornbacher was very slow, and only defended himself for the most part of the battle. On the other hand if yet rubed frequently, hading at will. Glynn early received the verifiet.

So habe of Horokhin and Charley McNally of Providence met in the mext bout. The limit was ten round at 122 points. It was one constant round of lighting from the elact.

In the third round McNally lost his head and butted kame in a clinch when he was getting the worst of it. Thereuped the prierce immed at 19 accepted his authority and gave the right to kame. These came the issue fortwo in Bother and Ryan. It was for twenty received his authority and gave the right to kame. These came the the season between Bother and Ryan. It was for twenty received his authority and gave the right to kame.

These came the the season. Eugene Hernbacher and Johnny Glynn of Wilmingon the new in the season.

If you would up in the next three rounds and tried for the stometh the had Rutler in distress. It was give and take up to the twelfth. They lead fell in a citied in this round. After this the fight was additional the result was a draw.

\$1,000 By Gum

FLEER'S CUM CHENNING Keeps the Stomach Hight.

Money ready for paying out on Nov. 10, 1827,

FRANK M. FLEKE & CO., Philadelphia